



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FOO/173634

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**PRELIMINARY RECITALS**

Pursuant to a petition filed April 12, 2016, under Wis. Admin. Code, §HA 3.03(1), to review a decision by Milwaukee Enrollment Services in regard to FoodShare benefits (FS), a hearing was held on May 4, 2016, at Milwaukee, Wisconsin, with the judge appearing by telephone.

The issue for determination is the date that petitioner reported his lost employment.

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

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Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: [REDACTED]  
Milwaukee Enrollment Services  
1220 W. Vliet Street  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner receives FS as a one-person household. In February, 2016 petitioner reported a job with [REDACTED]. The agency processed verification of the employment, and by a notice dated March 1, 2016 notified petitioner that effective April 1 FS would be reduced to \$16.
3. On April 6, 2016 petitioner contacted the agency to report that the job had ended in late February. After verifying the end date the agency notified petitioner that FS would increase to \$194 effective May 1, 2016.

### DISCUSSION

If a person reports a change that will result in increased FS, the general rule is that the increase will take place in the month after the change is reported. 7 C.F.R. §273.12(c)(1). The FS Handbook, Appendix. 6.1.3.3, requires:

All reported changes that cause an increase in the FS benefit including person additions, increases in expenses, etc., will be effective the first of the month following the report month if required verifications are received within 10 days of the request for verification.

The FS rules require changes to be made in the month after the change is reported, not the month that the change occurs.

Petitioner testified that he reported the change to his FS work program case manager, and he thought the case manager would forward the report to the income maintenance worker. Ms. [REDACTED] was able to print off the work program case notes and forward them to me.

It is true that on February 25 petitioner reported to his case manager that his [REDACTED] assignment at [REDACTED] ended on February 22, but the case manager left the [REDACTED] employment in the system because petitioner could be called to a new assignment at any time. Then on March 3 the case note says that the case manager left a message for petitioner that if he was not expecting to return to work with [REDACTED] he should contact income maintenance (IM) to inform of the change. On March 8 petitioner reported the job end to the case manager and again was told to inform IM.

I must conclude that because petitioner did not inform income maintenance about the end of the [REDACTED] employment until April 6 the agency correctly increased FS as of May 1, 2016.

### CONCLUSIONS OF LAW

The agency correctly increased FS effective May 1, 2016 because petitioner did not report the end of his employment income until April 6, 2016.

**THEREFORE, it is**

**ORDERED**

That the petition for review is hereby dismissed.

### **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

## APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 10th day of May, 2016

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\sBrian C. Schneider  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on May 10, 2016.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability